

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION JACKSON**

RITA F. GAINES

PLAINTIFF

V.

CAUSE NO. 3:21-cv-00731-TSL-MTP

**FAMILY DOLLAR STORES OF JACKSON, MISS, INC.,
JOHN DOE PERSON (S) 1-5 AND JOHN DOE COMPANY (IES)
1-5, AND JOHN DOE ENTITY (IES) 1-5**

DEFENDANTS

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes Defendant, Family Dollar Stores of Mississippi, Inc. [Improperly named as Family Dollar Stores of Jackson, Miss, Inc.,¹] and file this its Notice of Removal for this cause from the Circuit Court, First Judicial District, of Hinds County, Mississippi, Docket # 25CI1:21-cv-00667-TTG in which it is now pending, to the United States District Court for the Southern District of Mississippi, Northern Division Jackson. This removal is predicated upon the fact there is diversity of citizenship between the Parties in this litigation and the amount in controversy exceeds the federal jurisdictional amount, exclusive of interest and costs.

1). This case was commenced on October 22, 2021 in the Circuit Court, First Judicial District, of Hinds County, Mississippi, in which Plaintiff Requests Trial by Jury in her Complaint (“Complaint”), which was served on Family Dollar Stores of Mississippi, Inc. on or about November 10, 2021.

2). This action is one of a civil nature for alleged personal injury. Plaintiff alleges that Defendant was negligent by its failure to inspect the area; failure to warn; failure to clean

¹ See Articles of Merger Exhibit “A”

up/repair; failure to provide a safe environment and negligent hiring/supervision; causing Plaintiff to sustain personal injuries.

3). Upon information and belief, Plaintiff is a citizen of the State of Mississippi as alleged in the Complaint.

4). At the time this lawsuit was commenced, Family Dollar Stores of Mississippi, Inc, was incorporated in the State of Virginia with its primary place of business Chesapeake, VA. (Exhibit “B”).

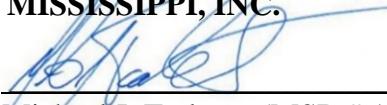
5) The above-described action is one in which this court has original jurisdiction under the provisions of 28 U.S.C. § 1332. Plaintiff did not plead a specific amount of damages. However, plaintiff has made a policy limits demand, submitting medical bills totaling \$32,511.52 in support of the demand. (Exhibit “C”) The amount of medical bills in and of them selves indicates that the amount in controversy exceeds \$75,000.00 excluding fees and cost. Further, the self-insured retention of Family Dollar Stores of Mississippi, Inc., its primary policy limit, is \$1,000,000.00 which clearly exceeds \$75,000.00. Therefore, the amount in controversy as set forth by the plaintiff exceeds the \$75,000.00 jurisdictional amount.

6) The removing Defendant avers that on November 10, 2021, she has filed a Notice of Filing of Removal with the Circuit Court, First Judicial District of Hinds County, Mississippi, pursuant to 28 U.S.C. § 1446(d).

THEREFORE, this Court has jurisdiction over this matter, as the Parties are completely diverse and the amount in controversy exceeds Seventy-Five Thousand and No/100 Dollars (\$75,000).

RESPECTFULLY SUBMITTED, this the 10th day of November 2021.

**FAMILY DOLLAR STORES
OF MISSISSIPPI, INC.**

By: 

Michael J. Tarleton (MSB # 101812)
ECKERT & TARLETON LLC
141 W. Peace Street
Canton, MS 39046
Telephone: 601-368-8844
Facsimile: 601-368-8426
Email: mike.tarleton@eandtlaw.com

CERTIFICATE OF SERVICE

I, Michael J. Tarleton, attorney for Defendant, do hereby certify that I have this day served via ECF, United States mail or via electronic mail, a true and correct copy of the above and foregoing instrument to all counsel of record.

C. Cooper Miles (MSB # 101945)
Schwartz & Associates, P.A.
P.O. Box 3949
Jackson, MS 39207
Telephone: 601.988.8888
Facsimile: 601.353.0217
cmiles@1call.org

This the 10th day of November 2021.



Michael J. Tarleton (MSB 101812)